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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,170	06/12/2001	Olga Milosavljevic	SCHW0005	5814
22862	7590	04/12/2006	EXAMINER HARBECK, TIMOTHY M	
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			ART UNIT 3628	PAPER NUMBER
DATE MAILED: 04/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/880,170	MILOSAVLJEVIC ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy M. Harbeck	3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| ✓1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                | Paper No(s)/Mail Date. _____  |
| ✓3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/05/2001</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 23-33 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim 23 uses the phrase "comprising, but not limited to" twice in the body of the claim. The use of such open-ended language makes it unclear exactly what comprises the claimed invention and therefore renders the claim indefinite. Examination has been performed utilizing only those steps listed, however, appropriate correction is required. Furthermore claims 31 and 32 use the term "and the like," which renders the claim(s) indefinite because the claims includes elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim(s) unascertainable.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 13-20, 23-26 and 29-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Corrin (US 2002/0035527 A1).

**Re Claim 1:** Corrin discloses a system for relating investment account information to an investment objective comprising:

- Inputting said income goal (paragraph 0028), said estate goal (paragraph 0044), said years in retirement goal (0073, 0186)), and a current asset allocation (0029)
- Performing analysis based on said goals and their prioritization and said current asset allocation (paragraph 0010)
- Forecasting, by using the results of said analysis, said likelihood that said assets at retirement meet said client defined priority goal in retirement goals (paragraph 0010, paragraphs 0129-0176)

**Re Claim 2:** Corrin discloses the claimed method supra and further discloses wherein said forecasting is based on outside (paragraph 0279-0282) and inside holdings (paragraph 0029 “current account balance.”)

**Re Claim 3:** Corrin discloses the claimed method supra and further discloses the step of projecting annual snapshot cash flows from said current asset allocation and determining if a gap exists between projected cash flows and said income goal (paragraphs 0137-0138)

**Re Claim 4:** Corrin discloses the claimed method supra and further discloses wherein said cash flows comprise dividend and interest sources (0048) and non-fluctuating sources (0086-0093)

**Re Claim 5:** Corrin discloses the claimed method supra and further discloses wherein said dividend and interest sources comprise equity dividend, fixed income, and cash payments (0261 and 0280-0283)) and wherein said non-fluctuating sources comprise income property, social security, and pension payments (0086-0093)

**Re Claim 6:** Corrin discloses the claimed method supra and further discloses the step further comprising providing a current performance planning table , wherein said table allows for assessing approximate current yield and total return information in order to determine which holdings of said assets provide cash flows versus growth required to meet said in-retirement goals (0084-0141)

**Re Claim 7:** Corrin discloses the claimed method supra and further discloses the step comprising a current summary showing a breakdown of said cash flows into said dividend and interest sources (0144-0150), said non-fluctuating sources (0097-0102), total cash flow and said income goal (0137-0138)

**Re Claim 13:** Corrin discloses the claimed method supra and further discloses providing financial (0211; increase contribution) and non-financial (0228 “increase working years”) alternatives in order to attempt to increase said likelihood of meeting retirement goals.

**Re Claim 14:** Corrin discloses the claimed method supra and further discloses wherein said non-financial alternatives increase said likelihood by requiring a relaxing of at least one of said in-retirement goals (0028). In increasing the working years before retirement, the user is essentially decreasing the total number of years the user intends to spend in retirement.

**Re Claim 15:** Corrin discloses the claimed method supra and further discloses wherein said financial alternatives attempt to increase said likelihood by altering said asset allocation and thereby assuming a better diversified portfolio (0259-0261).

**Re Claim 16:** Corrin discloses the claimed method supra and further discloses a report showing said in-retirement goals and said likelihood versus said modified in-retirement goals, said modified in-retirement goals comprising said at least one of said relaxed in-retirement goals, and showing said subsequent possible increased likelihood (0263-0278).

**Re Claim 17:** Corrin discloses the claimed method supra and further discloses a report showing said in-retirement goals and said likelihood versus said altered asset allocation, and showing said subsequent possible increased likelihood (0213-0216 and 0263-0278)

**Re Claim 18:** Corrin discloses the claimed method supra and further discloses wherein asset allocation preferences are incorporated (0260-0262).

**Re Claim 19:** Corrin discloses the claimed method supra and further discloses action plans for attempting to increase said likelihood, said action plans comprising means for conveying whether to buy or sell said assets (0259-0262).

**Re Claim 20:** Corrin discloses the claimed method supra and further discloses wherein each asset class holding are separated from each other small company holdings are separated from large, international and fixed income company holdings (0261).

**Re Claim 23:** Corrin discloses a method for determining and communicating to a customer snapshot of the amount of dividend and interest cash flow in the current 12 month rolling or historic rolling year generated by said customer's current portfolio (0138-0137), said portfolio comprising inside (0029) and outside assets (0279-0282), comparing said income to an income goal, and assisting said customer in narrowing or closing a gap between said income goal and said current income amount (0187) comprising:

- Any combination of downloading, entering, or updating a profile of said customer and inputting said income goal (0032-0049)
- Any combination of importing, displaying, selecting, entering and editing (0187-0188) any of said customer's inside accounts
- Any combination of importing, displaying, selecting, entering and editing any of said customer's outside accounts (0280)
- Any combination of importing, displaying, selecting, entering and editing any of said customer's other non-security sources of income (0040-0041)
- Generating a 12-month rolling or historic rolling year cash flow from all said sources of income by cash flow category, and comparing said generated 12-month rolling or historic rolling year cash flow to customer's annual cash flow goal (0137-0141 and 0263-0271)
- Generating a cash flow report said report comprising, but not limited to, any of
  - An estimated cash flow for each asset

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- Approximate current yield of each asset
  - Current value of each asset;
  - Dividend reinvestment status for each asset;
  - Relevant cash flow category benchmarks; and
  - A total dollar sum of dividends reinvested for said current calendar year (see 0263-0278)
- Generating a cash flow versus growth performance report, said performance report comprising but not limited to any of:
  - A list value of yield for each asset
  - An annual income by each asset
  - A current yield of each asset
  - 1,5, and/or 10 year total return data
  - current value and relevant cash flow category benchmarks, thereby allowing said customer to compare said assets performance and/or appropriate historical performance (0137-0141 and 0263-0278)
- Generating a general advice document highlighting under-performing assets of said assets and making general recommendations for said narrowing or closing of said gap (0137-0141)

**Re Claim 24:** Corrin discloses the claimed method supra and further discloses said current 12 month rolling or historic rolling year cash flow from inside only accounts by cash flow category and comparing generated cash flow to said income goal (0137-0141)



**Re Claim 25:** Corrin discloses the claimed method supra and further discloses wherein said generated cash flow information is based on an annual and/or monthly basis (0129)

**Re Claim 26:** Corrin discloses the claimed method and further discloses bar charts, tables, and/or other graphical displays of information (0137-0138)

**Re Claim 29:** Corrin discloses the claimed method and further discloses wherein potentially under-performing asses are determined using growth and income components of each asset's return (0140-0175 and 0260)

**Re Claim 30:** Corrin discloses the claimed method supra and further discloses generating a full printed report (0025)

**Re Claim 31:** Corrin discloses the claimed method supra and further discloses wherein the method is adaptable to be used on the World Wide Web (0010), retail desktops (0011), phone service center desktops, and the like.

**Re Claim 32:** Corrin discloses the claimed method and further discloses wherein the method is adaptable to be used in a self-service mode of operation (0011), or in an assisted service mode of operation (0010) by providing different user interfaces and the like (0024-0025)

**Re Claim 33:** Corrin discloses the claimed method supra and further discloses wherein the method is adaptable to be incorporated in a suite of tools (0011).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8-12, 21-22 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrin in view of Stepleman (Dr. Robert Stepleman. "Gauging withdrawals from a retirement portfolio." Sarasota Herald Tribune. Sarasota, Fla.: Feb 11, 2001. pg. D.1.)

**Re Claim 8:** Corrin discloses the claimed method supra but does not explicitly disclose the step comprising following an income stream withdrawal strategy, wherein said strategy provides tax advantages and wherein said income comprises capital gains, principal draw down as well as interest and dividend payouts. Stepleman discloses the use of a withdrawal strategy of a retirement account in order to maximize the potential benefit to the user (see abstract, entire article). It would have been obvious to anyone of ordinary skill at the time of invention to include a withdrawal strategy, such as the one taught by Stepleman, to the method of Corrin so that a user can further maximize his or her account's potential. It was well known in the art at the time of invention to utilize a withdrawal strategy based upon the tax rules and the advantages associated therein. In this way a user can further increase their account balance, without foregoing possible further gains by premature withdrawals.

**Re Claim 9:** Corrin in view of Stepleman discloses the claimed method supra and while not explicitly disclosing the step wherein said withdrawal strategy further comprises designating when and how much to withdraw from taxable, 401K, traditional IRA and Roth IRA accounts, this step would have been obvious to anyone of ordinary

skill in the art at the time of invention as it was notoriously well known. For example, there are tax-related penalties related to the early withdrawal of funds from a Roth IRA account. If a user withdraws funds before the age of 59 ½ years there is a steep tax placed on the amount of withdrawal. Therefore, a prudent withdrawal strategy would be to refrain from withdrawing from this account until the appropriate time, and furthermore if it was vital for funds to be withdrawn, the strategy would further call for an amount representing the absolute minimum be withdrawn so that the remainder of the money in the account can continue to accumulate.

**Re Claim 10:** Corrin in view of Stepleman discloses the claimed method supra and Corrin further discloses the step comprising an asset draw down schedule over each retirement year (0076-0081 and 0216).

**Re Claim 11:** Corrin in view of Stepleman discloses the claimed method supra and while the references do not explicitly disclose the step comprising determining required minimum distribution income streams based on total value of tax deferred assets, this step would have been obvious to anyone of ordinary skill in the art, as such withdrawals were required by law. For example, in a traditional IRA, which is tax deferred, participants are required to make withdrawals at the age of 70 ½, so that the earnings can be taxed out. The minimum withdrawal is a rate based on life expectancy and therefore the amount of withdrawal would necessarily depend on the total value of the assets. Since these withdrawals are mandatory, it would therefore further be obvious to factor these into the withdrawal strategy, or else said strategy will ultimately become inaccurate.

**Re Claim 12:** Corrin in view of Stepleman discloses the claimed method supra and Corrin further discloses a report showing annual tax-deferred account withdrawals and year-end tax deferred account balances (0216-0220).

**Re Claim 21:** Corrin discloses a system for relating investment account information to an investment objective comprising:

- Inputting said withdrawal goal (paragraph 0072-0073), said estate goal (paragraph 0044), said years in retirement goal (0073, 0186)), and a current asset allocation (0029)
- Performing an analysis based on said goals and said current asset allocation (paragraph 0010)
- Forecasting, by using the results of said analysis, said likelihood that said assets at retirement meet said client defined priority goal in retirement goals (paragraph 0010, paragraphs 0129-0176)
- Providing an ability to perform alternative analysis by modifying said in-retirement goals (0189-0258)

Corrin does not explicitly disclose managing an order of withdrawal, such that said in-retirement goals are met in an efficient way. Stepleman discloses the use of a withdrawal strategy of a retirement account in order to maximize the potential benefit to the user (see abstract, entire article). It would have been obvious to anyone of ordinary skill at the time of invention to include a withdrawal strategy, such as the one taught by Stepleman, to the method of Corrin so that a user can further maximize his or her account's potential. It was well known in the art at the time of invention to utilize a

withdrawal strategy based upon the tax rules and the advantages associated therein. In this way a user can further increase the efficiency of their account, without foregoing possible further gains by premature withdrawals.

**Re Claim 22:** Corrin in view of Stepleman discloses the claimed method supra and Corrin further discloses wherein said forecasting is based on outside (paragraph 0279-0282) and inside holdings (paragraph 0029 "current account balance.")

**Re Claims 34 and 35:** Further system claims would have been obvious in order to implement previously rejected method claims 21 and 22 respectively and are therefore rejected using the same art and rationale.

Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrin.

**Re Claim 27:** Corrin discloses the claimed method supra but does not explicitly disclose wherein said dividend reinvestment status is by cash flow category. However, Corrin does disclose the use of categorizing by asset and investment class (0260) and it would have been obvious then to indicate the dividend reinvestment status by these cash flow categories in order to get a better understanding of each classes' relative performance. In doing so, a user can determine whether or not to reallocate his or her investments based on the overall return of each asset class.

**Re Claim 28:** Corrin discloses the claimed method supra and while not explicitly disclosing wherein said dividends reinvested are foregone cash flows this step would have been obvious to anyone of ordinary skill at the time of invention. In reinvesting a

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dividend that is issued from an investment, it is inherently a forgone cash flow. Because the decision was made to pour this dividend back into the original investment, that money cannot be applied as a cash flow. In essence, the act of reinvesting involves the foregoing of the respective cash flow that would have been achieved.

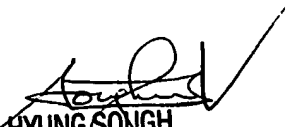
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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